

EXHIBIT A



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2011-CC00548 - FRANCISCO BARBOSA V GENERAL MOTORS LLC (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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Document ID - 20-SMCC-1051; Served To - GENERAL MOTORS, LLC; Server - ; Served Date - 19-JUN-20; Served Time - 11:57:00; Service Type - Special Process Server; Reason Description - Served; Service Text - SERVED SUSAN FACCARO, CSC REP.

☐ [Notice of Service](#)

Summons Returned Served upon Susan Faccaro CSC Agent for General Motors LLC.

Filed By: JAMES GARNER AVERY

On Behalf Of: FRANCISCO BARBOSA

06/15/2020 ☐ [Order - Special Process Server](#)

Associated Entries: 06/15/2020 - [Motion Special Process Server](#)

☐ [Motion Special Process Server](#)

Associated Entries: 06/15/2020 - [Order - Special Process Server](#)

☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-1051, for GENERAL MOTORS, LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. EPP

☐ [Filing Info Sheet eFiling](#)

Filed By: JAMES GARNER AVERY

☐ [Pet Filed in Circuit Ct](#)

Petition; Request for Special Process Server.

On Behalf Of: FRANCISCO BARBOSA

☐ [Judge Assigned](#)

Case.net Version 5.14.0.17

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Released 11/25/2019

**IN THE CIRCUIT COURT OF ST. CHARLES COUNTY
STATE OF MISSOURI**

FRANCISCO BARBOSA,

Plaintiff,

vs.

GENERAL MOTORS, LLC,

Defendant.

Serve at:

CSC of St Louis County, Inc.
130 South Bemiston Ave
Suite 700
Clayton, Missouri 63105

Case No:

Division:

Jury Trial Demanded

PETITION

COMES NOW Francisco Barbosa, by and through attorney Jim Avery of Avery Injury Law and his cause of action against Defendant General Motors, LLC (General Motors) states to the Court as follows:

GENERAL ALLEGATIONS

1. Plaintiff is a lawful resident of the State of Missouri.
2. Defendant General Motors is a company in good standing authorized to do business in the State of Missouri and County of St Charles.
3. General Motors can be properly served at their agent CSC of St Louis, County, Inc. 130 Bemiston, Ave Suite 700, Clayton, Missouri 63105.
4. On or about November 21, 2019, at or around 4:00 AM, Plaintiff was a business invitee lawfully upon the premises of General Motors Wentzville Plant located at 1500 Highway A, Wentzville, MO 63385 for the purpose of delivering materials from his employer.

5. At that time and place Plaintiff was between dock doors 10 and 11, there was an unsecured wheel chock belonging to General Motors.
6. After exiting his vehicle, the unsecured wheel chock caused Plaintiff to trip and fall and sustain permanent and disabling injuries discussed herein.
7. The wheel chock was discrete and undisclosed to Plaintiff.
8. The unsecured wheel chock created a dangerous condition upon the premises, which Defendant knew or should have known existed at all times relevant herein, and condition, which was not reasonably safe to anyone including Plaintiff.
9. Plaintiff was in no matter or degree negligent.
10. Venue is proper under MO. REV. STAT. §508.010, insofar that the incident giving rise to this cause of action occurred in St. Charles County, State of Missouri.
11. Jurisdiction is appropriate in the Circuit Court as the damages sought, exclusive of interest and costs, exceed the amount of the jurisdiction of the Associate Circuit Court under the provisions of MO. REV. STAT. §478.225.

COUNT I – NEGLIGENCE

12. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 through 11 as if fully set forth herein.
13. Defendant General Motors was negligent in allowing a dangerous condition to exist when General Motors knew or should have known through the exercise of reasonable diligence and ordinary care of that condition's existence.
14. Defendant General Motors breached a duty to its business invitees, including Plaintiff, to maintain the General Motors premises in a reasonably safe manner so that its business invitees would not be injured while on the premises.

15. Defendant breached its duty by failing to maintain the General Motors premises in a reasonably safe manner and by allowing a dangerous condition to exist for a sufficient length of time prior to the occurrence alleged herein, when General Motors should have taken reasonable and appropriate steps to remove the condition, which eventually caused Plaintiff to fall and sustain serious injury.
16. As a direct result of General Motors negligence, Plaintiff was caused to sustain the following serious and permanent bodily injuries to wit: he sustained injury to his left knee, right wrist, left shoulder and ribs and suffering in the past and has suffered and will continue to experience pain and suffering in the future.
17. As a direct result of General Motors negligence, Plaintiff has suffered and will continue to suffer both emotionally and psychologically.
18. As a direct and proximate result of the aforesaid occurrence, Plaintiff's ability to work, labor and enjoy the ordinary pursuits of life has been severely and permanently impaired and diminished.
19. As a direct and proximate result of the aforesaid injuries, Plaintiff has been caused to undergo medical care and treatment as well as hospital care and treatment, and will be required to undertake further care and treatment in the future.
20. As a direct and proximate result of the aforesaid occurrence and resulting injuries, Plaintiff has lost wages and earnings and will continue to suffer wage loss in the future as well as a diminished capacity to earn income.

WHEREFORE, Plaintiff Francisco Barbosa prays judgment against Defendant General Motors, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), pre-judgment interest, for his costs herein incurred, and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT II – FAILURE TO WARN

21. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 through 21 as if fully set forth herein.
22. Defendant General Motors was negligent in allowing a dangerous condition to exist when General Motors knew or should have known through the exercise of reasonable diligence and ordinary care of that condition's existence.
23. Defendant could have but failed to use ordinary care to warn of or remedy the aforementioned dangerous condition.
24. As a direct result of General Motors negligence, Plaintiff was caused to sustain the following serious and permanent bodily injuries to wit: he sustained injury to his left knee, right wrist, left shoulder and ribs and pain and suffering in the past and has suffered and will continue to experience pain and suffering in the future.
25. As a direct result of General Motors negligence, Plaintiff has suffered and will continue to suffer both emotionally and psychologically.
26. As a direct and proximate result of the aforesaid occurrence, Plaintiff's ability to work, labor and enjoy the ordinary pursuits of life has been severely and permanently impaired and diminished.
27. As a direct and proximate result of the aforesaid injuries, Plaintiff has been caused to undergo medical care and treatment as well as hospital care and treatment, and will be required to undertake further care and treatment in the future.
28. As a direct and proximate result of the aforesaid occurrence and resulting injuries, Plaintiff has lost wages and earnings and will continue to suffer wage loss in the future as well as a diminished capacity to earn income.

WHEREFORE, Plaintiff Francisco Barbosa prays judgment against Defendant General Motors, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), pre-judgment

interest, for his costs herein incurred, and for such other and further relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

AVERY INJURY LAW

A handwritten signature in black ink, appearing to read 'JA', is positioned above a horizontal line.


Jim Avery, Mo #69672
50 Executive Center, Ste 30
St. Louis, Missouri 63126
Telephone: 314-569-5600
Facsimile: 314-200-0754
E-mail: jim@averyinjurylaw.com



IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: JON A. CUNNINGHAM	Case Number: 2011-CC00548	(Date File Stamp)
Plaintiff/Petitioner: FRANCISCO BARBOSA	Plaintiff's/Petitioner's Attorney/Address JAMES GARNER AVERY 50 EXECUTIVE CENTER STE 30 SAINT LOUIS, MO 63126	
Defendant/Respondent: GENERAL MOTORS, LLC	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301	
Nature of Suit: CC Pers Injury-Vehicular		

Summons in Civil Case

The State of Missouri to: GENERAL MOTORS, LLC	
Alias:	
1500 HWY A WENTZVILLE, MO 63385	SERVE AT: R/A CSC OF ST LOUIS COUNTY, INC 130 SOUTH BEMISTON AVE SUITE 700 CLAYTON, MO 63105
 COURT SEAL OF ST. CHARLES COUNTY	<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>_____ 6/15/2020 _____ /S/ Cheryl Crowder Date Clerk</p> <p>Further Information:</p>

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$._____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE ELEVENTH JUDICIAL CIRCUIT, ST CHARLES COUNTY, MISSOURI

Judge or Division:	Case Number:
Plaintiff: Francisco Barbosa	Defendant: General Motors, LLC
(Date File Stamp)	

REQUEST FOR APPOINTMENT OF SPECIAL PROCESS SERVER

Comes now Plaintiff Francisco Barbosa, pursuant to Local Court Rule 4.2.1 and at his/her/its own risk, requests the appointment of:

John Frederick PO BOX 27041 St Louis, MO 63127 (314) 966-5585
 Name of Process Server Address Telephone

 Name of Process Server Address Telephone

a person(s) of lawful age to serve the summons and petition in this cause on the below named parties.
 This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:

CSC of St Louis County, Inc
 Name
130 Bemiston Ave Suite 700
 Address
Clayton, MO 63105
 City/State/Zip

SERVE:

 Name

 Address

 City/State/Zip

Appointed as requested:**Cheryl Crowder,****Circuit Clerk**

By _____
 Deputy Clerk

Date _____



IN THE ELEVENTH JUDICIAL CIRCUIT, ST CHARLES COUNTY, MISSOURI

Judge or Division:	Case Number:
Plaintiff: Francisco Barbosa	Defendant: General Motors, LLC
(Date File Stamp)	

REQUEST FOR APPOINTMENT OF SPECIAL PROCESS SERVER

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John Frederick PO BOX 27041 St Louis, MO 63127 (314) 966-5585
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 Name of Process Server Address Telephone

a person(s) of lawful age to serve the summons and petition in this cause on the below named parties.
 This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:

CSC of St Louis County, Inc
 Name
130 Bemiston Ave Suite 700
 Address
Clayton, MO 63105
 City/State/Zip

SERVE:

 Name

 Address

 City/State/Zip

Appointed as requested:

Cheryl Crowder, ALL RISKS TO
 REQUESTING PARTY
Circuit Clerk SO APPOINTED:

By /S/ Cheryl Crowder 10:32 am, Jun 15, 2020
 Deputy Clerk

Date _____



IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: JON A. CUNNINGHAM	Case Number: 2011-CC00548
Plaintiff/Petitioner: FRANCISCO BARBOSA	Plaintiff's/Petitioner's Attorney/Address JAMES GARNER AVERY 50 EXECUTIVE CENTER STE 30 SAINT LOUIS, MO 63126
Defendant/Respondent: GENERAL MOTORS, LLC	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **GENERAL MOTORS, LLC**
Alias:

1500 HWY A
WENTZVILLE, MO 63385

SERVE AT: R/A CSC OF ST LOUIS
COUNTY, INC
130 SOUTH BEMISTON AVE
SUITE 700
CLAYTON, MO 63105

COURT SEAL OF

ST. CHARLES COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

6/15/2020 /S/ Cheryl Crowder
Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:
Susan Faccaro (name) CSC Rep, authorized to accept (title).

☐ other: _____

Served at 9666 Olive Blvd St. Louis MO 63132 (address)
in St. Louis County/City of St. Louis), MO, on 6/19/2020 (date) at 11:57AM (time).

Rebecca Watters Printed Name of Sheriff or Server
[Signature] Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on 6/19/2020 (date).

My commission expires: 1/21/2021 Date

Jaimie Maness Notary Public

Sheriff's Fees, if applicable

Summons Fee \$ _____

Notary Fee \$ _____

Sheriff's Depositionary Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$_____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.